AUgus 16, Mas

SUMMARY OF RELEVANT BACKGROUND FOR LAND USE CLAIMS

I. ENEWETAK ATOLL.

The United States Government obtained the exclusive right to use and occupy the land of Enewetak Atoll under a 1946 agreement with the Government of the Trust Territory of the Pacific Islands (the Trust Government). The atoll remained populated by 136 inhabitants until 1947, when it was selected as a nuclear weapons test site. The people were relocated in December of that year to Ujelang Atoll, where most of them have remained.

Enewetak Atoll consists of 39 islands. The total land area is 1760 acres. Ujelang Atoll consists of 22 islands. The total land area is 428.8 acres. The names of the islands on the two atolls and their respective land areas are shown on the schedule at Tab A.

Between April 1948 and July 1958, Enewetak Atoll was the site of 43 nuclear tests. The geographical distribution of the tests is shown by the map at Tab B and in the following table:

Number of Tests	Island Name
18 10 4 3 2 1 1 1	Runit Enjebi Eluklab Aomon Eleleron Bokoluo Dridrilbwij Bokaidrikdrik Lujor Mut
1	Biken

In 1956, a settlement was negotiated with the Enewetak people for the past and future use of the atoll. A copy

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of the agreement is attached at Tab C. Full use rights to Enewetak Atoll were confirmed for the United States Government and the Trust Government. In exchange for these use rights, the Trust Government agreed to convey to the Enewetak people use rights in Ujelang Atoll. Additionally, monetary compensation in the amount of \$175,000 was provided to the people.

The agreement was signed by traditional leaders of the Enewetak people who represented that they had "full and complete right to represent the interests of any and all individuals who by reason of having lived on Ujelang or Enewetak may now or at any future date have a claim against the United States or Trust Territory Governments by reason of their use of Enewetak Atoll." The signatories also expressly agreed:

". . . that any future claims bases (sic) on the use of Enewetak by the governments of the United States or the Trust Territory or on the moving of the people from Enewetak Atoll to Ujelang Atoll shall be against them and not against the Government."

In 1969, an ex gratia payment of \$1,020,000 was made to the Enewetak people as additional land use compensation. Subsequently, when the United States Government announced it no longer needed Enewetak Atoll, the people expressed a desire to return to it. Considerable effort went into making this possible. The United States Government and the Trust Government executed necessary papers to terminate use and occupancy under the 1946 and 1956 agreements, and to "quitclaim, release and restore" all such rights to The Trust Government also conveyed to the the people. people full title to Ujelang Atoll. In order to make this conveyance, the Department of the Interior was required to place a value on this land. The Department reported the value of the 428.8 acres to be \$425,000, or about \$1000 per acre.

As a final element of this far-reaching compensation package, Congress at the instigation of the Department of the Interior adopted Public Law No. 94-367 to provide for a comprehensive clean-up and rehabilitation program. For the clean-up Congress appropriated \$20 million, and provided that the military services were

to accomplish the clean-up using personnel and equipment paid for out of their respective budgets. It is estimated that this work will cost the services approximately \$60 million. Another \$12.4 million was appropriated for rehabilitation. Additionally, completion of necessary radiological work will cost the Department of Energy at least \$5.2 million which will come out of its budget.

When it passed the legislation for the clean-up of Enewetak, Congress expressed a clear intention that its appropriation constituted the total commitment of the United States for this purpose. Thus, the Act provided:

"That none of the funds appropriated under this [Military Construction, Defense Agencies] paragraph may be expended for the cleanup of Enewetak Atoll until such time as the Secretary of Defense receives certification from appropriate administering authorities of the Trust Territory of the Pacific Islands that an agreement has been reached with the owners of the land of Enewetak Atoll or their duly constituted representatives that this appropriation shall constitute the total commitment of the Government of the United States for the cleanup of Enewetak Atoll."

On September 16, 1976, the Trust Government and representatives of the Enewetak people entered into an agreement recognizing that the appropriation made under Public Law No. 94-367 constituted the total commitment of the United States Government for the clean-up of the atoll. A copy of this agreement is attached at Tab D.

To summarize, the people lost the use of the land on Enewetak Atoll from 1947 to the present. In compensation for this loss of use, the people already have been paid monetary compensation of \$1,195,000, and given use, occupancy and full title to 428.8 acres of substitute land on Ujelang Atoll which has been valued by the Department of the Interior at \$425,000. Finally, the United States has undertaken a comprehensive clean-up and rehabilitation program that will cost more than \$96 million when completed.

II. BIKINI ATOLL.

The United States Government obtained exclusive right to use and occupy the land of Bikini Atoll under a 1946 agreement with the Trust Government. After the atoll was selected as a site for nuclear testing, its 166 inhabitants were moved in March 1946 to Rongerik Atoll, where they remained until March 1948 when they were relocated to Kili Island.

Bikini Atoll consits of 36 islands. The total land area is 1920 acres. Rongerik Atoll consists of 10 islands. The total land area is 416 acres. The names of the islands on the two atolls and their respective land areas are shown on the schedule at Tab E. The total land area of Kili Island is approximately 200 acres.

Between June 1946 and July 1958, Bikini Atoll was the site of 23 nuclear tests. The geographical distribution of these tests is shown on the map at Tab F and in the following table:

Number of Tests	<u> Island Name</u>		
8	Namu		
8	Yurochi*-Vorikku- Aomoen-Romurikko		
5	Airukiiji-Eninman- Bigiren-Reere-Airukiraru		
2	Bikini		

In 1956, a settlement was negotiated with the Bikini people for the past and future use of the atoll. A copy of the agreement is attached at Tab G. Full use rights to Bikini Atoll were confirmed for the United States Government and the Trust Government in exchange for these rights. Additionally, monetary compensation in the amount of \$325,000 was provided to the people.

The agreement was signed by traditional leaders of the Bikini people who represented that they had "full and complete right to represent the interests of any and all individuals who by reason of having lived on Bikini or Kili, may now or at any future date have a claim

^{*}Site of Test Bravo.

against the United States or Trust Territory Governments by reason of their use of Bikini Atoll." The signatories also expressly agreed:

"...that any future claims by Bikinians based on the use of Bikini by the Governments of the United States or the Trust Territory or on the moving of the Bikini people from Bikini Atoll to Kili Island shall be against them and not against the Government."*

In 1975, Congress passed Public Law No. 94-34 which authorized and appropriated an additional \$3 million in ex gratia payments as compensation for use of the land on the atoll. In 1977, Congress passed Public Law No. 95-134 which authorized an additional \$100,000 for the Bikini community. Finally, a clean-up was conducted in 1969 and rehabilitation in the early 1970's. Some \$4 million were expended in this program. However, recent studies leave in question the effectiveness of this program.

To summarize, the people lost the use of Bikini Atoll from March 1946 to 1974. In compensation for the loss of the land, the people were given use and occupancy of 416 acres of substitute land on Rongerik Atoll from 1946 to 1948 and about 200 acres of substitute land on Kili Island from 1948 to the present. In addition, ex gratia payments have been made in the amount of \$3,425,000, to compensate the people for the loss of use of the atoll. Finally, a clean-up and rehabilitation program was completed at a cost of approximately \$4 million.

III. Other Atolls.

Other than as described above, no nuclear testing was conducted by the United States in the Marshall Islands. However, Test Bravo detonated at Bikini Atoll on March 1, 1954, had impacts on other atolls to the north because an unexpected high yield combined with an unpredicted shift in winds. As a result, the radioactive cloud deposited fallout on Rongelap and Utirik Atolls, and perhaps elsewhere.

The 82 people residing on Rongelap Atoll and the 158 people residing on Utirik Atoll were evacuated

^{*}In March 1966, the Iroij of Bikini accepted \$15,000 and gave to the Trust Government a release of all of his rights to the atoll.

within three days of the test to Kwajalein Atoll. The Utirik people were returned to that atoll after three months. The Rongelap people were not returned to that atoll for three years.

No compensation for land use claims has been authorized or paid to the Utirik people. In 1964, an ex gratia payment in the amount of \$10,800 was made to each resident of Rongelap who was evacuated from that atoll as a result of the 1954 test. This payment was made as compensation for the inconvenience of relocation and for the lost use of the land.

TRUST TERRITORY OF THE PACIFIC ISLANDS Majuro, Marshall Islands

November 19, 1956

AGREEMENT IN PRINCIPLE REGARDING THE USE OF EMEMETAK ATOLL

WERREAS, in order for the Trust Territory of the Pacific Islands to play its part in the maintenance of international peace and security it became necessary for the United States of America, the administering authority for the said Trust Territory, to occupy and use, with the consent of the inhabitants, all of the stoll of Enewetak located in the Marshall Islands, between 11 degrees 20 minutes North latitude to 11 degrees 16 minutes North latitude, and 162 degrees 02 minutes East longitude to 162 degrees 24 minutes East longitude, thus depriving the owners of the use of the said atoll;

WHIREAS, an assembled meeting was held on Ujelang on November 5, 1956 with the two hereditary chiefs of Enewetak Atull, Joanej and Enream, and the majority of the people who possess rights in Inswetak Atoll to discuss a settlement for the past and future use of Enewetak Atoll, and

WHEREAS, agreement was reached at said meeting with no one present dissenting,

IT IS HEREN ACRES as follows:

1. The Covernment of the Trust Territory of the Pacific Islands will grant and convey to Joanej and Ebream and all of the people who possess land rights in Enewetak Atoll according to the accepted custom of said Atoll, full use rights in Ujelang Atoll, situated in or about 9 degrees 15 minutes North latitude to 9 degrees 54 minutes North latitude and 160 degrees 50 minutes East longitude to 161 degrees 10 minutes East longitude. All land of Ujelang Atoll may be divided between the aforesaid Joanej and the aforesaid Ebream and the people of their respective groups as they shall mutually agree, and the use rights to the land, lagoon, or reafs of Ujelang Atoll, together with all buildings and trees thereof shall to held by them, and their heirs and assigns in accordance with their accepted customs.

- 2. The aforesaid use rights in Ujelang Atoll shall continue until such time as it may be possible for the people to return to Enswetak, providing they wish to return to occupy said Atoll.
- 3. The Government of the Trust Territory of the Pacific Islands and/or the Government of the United States of America shall possess the full use rights to Enewetak Atoll until such time as it will not be necessary to occupy and use Enewetak Atoll in the interest of the maintenance of international peace and security.
- 4. The sum of \$150,000.00 shall be conveyed to those persons who possess rights in Enewetak Atoll, This money is to be administered as follows: (1) \$25,000.00, receipt of which is hereby acknowledged, to be paid the aforesaid parties at the time of signing this ggreenent and may be divided by Chiefs Eorean and Joanej among those of their respective groups who possess aforesaid rights in Enewetak Atoll, or otherwise willized as all parties concerned agree; and (2) the remaining \$125,000.00 to be placed in a trust fund to be established and administered by the migh-Commissioner until such time as said trust fund can be administered by a qualified institution. The trust fund shall be invested only in United States Government saturities and interest accruei from said fund will be paid in such manner as may be further agreed upon by the chiefs and people with vested land rights in Enewetak.
- 5. The chiefs and "alabs" signing this Agreement in Principle represent that they have the full and complete right to represent the interests of any and all individuals who by reason of having lived on Ujelang or Enewetak may now or at any future date have a claim against the United States or Trust Territory Governments by reason of their use of Enewetak Atoll.

Accordingly, the Chiefs and "Alabs" signing this agreement agree that any future claims bases on the use of Enewetak by the Governments of the United States or the Trust Territory or on the moving of the people from Encwetak Atoll to Ujelang Atoll shall be against them and not against the Government.

FOR THE PEOPLE OF ENEWETAK ATOLL:

Chief Joanej (Enewetak)	Chief Ebream (Enjebi) _	£1.
X. 77 - 7		Kilin)
ALABS of Enewetak	toll	
•	• .	
Joanej' Group (Enewetak)	Ebream' Group (E	njebi)
Gost Tor Eliny	Baimon	Henry
old Welley	gitien,	Luda
XLine officer	Ronton	Burth
Silver 11X Most	P. Rude	Janon
China & Misolit	San	Tainsi
X Annin HOLE	Sadawolf	. 0
- Orien Louble	Madriel	Munn
L Dung Knid	Princon	^
L Vaybehoule	ř .	U

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FOR THE COVERLENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS:

Delmas H. Nucker High Commissioner

WITHESS;

Jack A. Tobin All A. John

District Anthropologist

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Dello m allen Administrative Advisor

Agreement in Principle regarding the use of Enewetak Atoll, executed November 19, 1956 at Enewetak Atoll.

TRUST TERRITORY OF THE PACIFIC ISLANDS

AMENDMENT TO THE AGREEMENT IN PRINCIPLE REGARDING THE USE OF ENEWETAK ATOLL

MMEREAS, the parties entered into an Agreement in Principle
Regarding the Use of Enewetak Atoll dated November 19, 1956 (hereinafter called the Agreement); and

WHEREAS, the parties now desire to amend the Agreement:

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to amend and do hereby amend the Agreement by deleting the last sentence of Paragraph 4 thereof in its entirety and substituting therefor the following:

"The trust fund may be invested in United States Government securities or in such other stocks, bonds and securities, as the High Commissioner of the Trust Territory of the Pacific Islands may deem in the best interests of the beneficiaries. The income accruing from the fund will be paid in such manner as may be further agreed upon by the chiefs and people with vested land rights in Enewetak."

This Amendment, it is expressly agreed, does not supersede the Agreement and all of the terms, conditions and provisions of the Agreement, unless specifically modified herein, shall remain in full force and effect:

IN NITNESS WHEREOF we have hereunto set our hands this

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Witness:	•	• •	By: W.	/s/ W. R. R. Norwood	Norwood , High Com	wission(er
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THE PEOPLE OF ENEWETAK ATOLL

FDREAN* GROUP (Enjebi)	JOANEJ' GROUP (Enewetak)
/s/ Benton	
Benton	
5.	let Non
Katios K.	/s/ Akeo Akeo
/s/ Balik Balik	'_'/s/ Tom .
Balik .	Ton
/s/ Kilion Kilion	/s/ Ishmani John
. Kilion	/s/ Ishmael John Ishmael John
/3/ Lombwe H.	_/s/ Hirza .
Lombwe M.	Hiron
/s/ Takeo	_/s/ Samuel
Takeo	Samuel
Vel Nee-	
Ys/ Masao	_/s/_Joul
riasas	Joul ·
/s/ Loronki	
	_/s/ Pikiolman .
Loronji	Rikjoimon
7-1 433-	
/s/ Aile	

Whereas, an Agreement in Principle regarding the use of Enewetak Atoll was entered into by and between the Covernment of the Trust.

Territory of the Pacific Islands and the people and alabs of Enewetak Atoll on November 19, 1956; and

Whereas, an ameriment to Enewetak Agreement in Principle was executed on March 14, 1968, by the High Commissioner of the Trust Territory as Trustee and the People of Enewetak;

Whereas, the parties desire to further amend the Agreement,
Now, Therefore, the parties hereto further amend the Agreement
in Principle dated November 19, 1956, as follows:

- 1. There is hereby added to Paragraph 4 as amended the following:

 The Migh Commissioner may in his absolute discretion

 pay to or apply for the benefit of the beneficiaries, in

 addition to the payments hereinabove provided, said amounts

 from the principal of the trust estate, up to the whole

 thereof, as the Migh Commissioner may from time to time

 deem necessary or advisable for the beneficiaries use and

 benefit.
- 2. All other terms, conditions and provisions of the Agreement, as amended, shall remain in full force and effect.

In Witness Whereof the parties have set their hands this 1978 day of Our 1859.

	•	. .	ZKURK	John Ste	20) .
		FOR THE PEOPLE	OF ENEWETAK ATO	histor, High Co.	missioner
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	<u> </u>	-Chief Mag	CO Tiskus		Joannes (Eniweto (Enjebi)
	·	Chief Cou	hl	Trois Lovens	<u> </u>
•,	•	Policeman	•		
		Policeman	i K.		
		. ,			

THIS AGREEMENT, entered into this Aday of September, 1976, by and between the Government of the Trust Territory of the Pacific Islands and the duly constituted representatives of the owners of the land of Enewetak Atoll,

WITNESSETH THAT:

WHEREAS, the Military Construction Appropriation Act of 1977 appropriates the sum of \$20,000,000 for the cleanup of Enewetak Atoll and provides as follows:

"That none of the funds appropriated under this [Military Construction, Defense Agencies] paragraph may be expended for the cleanup of Enewetak Atoll until such time as the Secretary of Defense receives certification from appropriate administering authorities of the Trust Territory of the Pacific Islands that an agreement has been reached with the owners of the land of Enewetak Atoll or their duly constituted representatives that this appropriation shall constitute the total commitment of the Government of the United States for the cleanup of Enewetak Atoll."; and

IT IS THEREFORE AGREED, that the foregoing appropriation for the cleanup of Enewetak Atoll provided by the Military Construction Appropriation Act of 1977 shall constitute the total commitment of the Covernment of the United States for the cleanup of Enewetak Atoll.

IN WITNESS WHEREOF, the undersigned have set their hand and seal on the date first mentioned, at Enewetak Atoll.

THE PEOPLE OF ENEWETAK

Chief Benton Abraham

Johnny Yabin, Scribe

Saimon Samson, Chief Council.

Joseph Erenist, Councilman

Lombur Allah.

Lombur Mark, Councilman

Boas David, Councilman

Assak Tom, Councilian

Walth Danl Conscilman

Ву

Herboral

Hertes John, Magistrate

Saul Abraham, Secretary

Obet David, Councilian

BENJAMIN. CIDENN Benjamin Gerdon, Council.

Smith Griden, Council.

Alik Jouen

Alik Jorim, Councilman

Peter Johans

Peter Joanej, Councilman

Setao Hennry, Councelman

GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

By Selle To seeman

eter T. Colemna

Acting High Commissioner

Ву

Oscar deBrum
District Administrator
Marshall Talanda District

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Jack A. Tobin

District Anthropologist

がなって Assistant Antipropologist

Tion Bikajle

William Allen) comostillos o Vdvisor

Administrative

Agreement in Principle regarding the use of Enewetak Atoll, eruted November 19, 1956 at Enewetak Atoll

TRUST TERRITORY OF THE PACIFIC ISLANDS

Majuro, Marshall Islands

November 22, 1956

AGREEMENT IN PRINCIPLE REGARDING THE USE OF BIRGH ATOLL

to play its part in the maintenance of international peace and security it became necessary for the United States of America, the administering authority for the said Trust Territory, to occupy and use, with the consent of the inhabitants, all of the atoll of Bland located in the the consent of the inhabitants, all of the atoll of Bland located in the the consent of the inhabitants, all of the North latitude, and 165 degrees 11 minutes. Markhall islands, between 11 degrees 23 minutes. North latitude, and 165 degrees 14 minutes bast longitude, thus depriving the owners of the use of the said atoll; WHEREAS, in order for the Trust Territory of the Pacific Islands

Whenexs, an assembled meeting was held on Kili Island on November 9, 1925 with the majority of the people who possess rights in Bikini Atoll to discuss a settlement for the past and future use of Bikini

Whenevs, agreement was reached at said meeting with no one

present discenting.

Atoli, and

It is hereby agreed as follows:

will grant and convey to all of the people who possess land rights in 1. The Covernment of the Trust Territory of the Pacific Islands

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to United Nations, 1957 Trust Territory Report As printed in Appendix

Bikini Atoll, that is the commoners, according to the accepted Marshalini Atoll, that is the commoners, according to the accepted Marshallese custom, full use rights in the following islands, islets and land shallese custom, full use rights in the following the said Trust Territory: parcels from the public domain of the said Trust Territory:

known as Hunter's Island, located at 5 degrees 38

minutes 45 seconds North latitude and 169 degrees 7

Johet (Devet) located on the eastern side of the Jaluit Atoll at 6 degrees 7 minutes 16 seconds North latitude and 169 degrees

Jar (Djør) located on the eastern side of Jaluit Atoll at 6 degrees 7 minutes 36 seconds North latitude and 169 degrees 53 min-

Bokalablab located on the easter side of Jahuit Atoll at 6 degrees 6 minute's 50 seconds North Latitude and 169 degrees 35 min-

and the land area on the southern end of Jebwar Island located /11 FOY-

on the eastern side of Jaluit Atoll known as Lojokar, erapent lands south of Lojokar wato to the end of Lullol

shall mutually agree, and the use rights to the land, lagoon, or reels of the above mentioned hands, together with all buildings and trees All these lands may be divided among the former Bikini people as they thereon shall be held by them, and their heirs and assigns in accordance

2. The aforesaid use rights in the aforesaid government lands shall continue until such time as it may be possible for the people to return to bikini, providing they wish to return to occupy said Atoll.

3. The Covernment of the Trust Territory of the Pacific Islands 3. The Covernment of the Trust Territory of the Pacific Islands and/or the Covernment of the United States of America shall possess

full use rights to Bioni Atoll mutil such time as it determines it

commoners, who possess rights in Bikini Atoll. This money is to be administered as follows: (1) \$25,000.00, receipt of which is hereby will no langer be precessary to occupy and use the said Atoll.

4. The sum of \$325,000.00 shall be conveyed to those persons, those commoners, who possess rights in Bikini Atoll. This money is to be commoners, who possess rights in Bikini Atoll. agree; and (2) the remaining \$200,000.00 to be placed in a trust fund of the catablished and administered by the High Commissioner until to be established and administered by a qualified institusion as said trust fund can be administered by a qualified institusion. The trust fund shall be invested only in United States Government. this agreement and may be divided among those who possess aforesaid ncknowledged rights in Bikini Atoll, or otherwise utilized as all parties concerned ment securities and interest accrued from said fund will be paid in such , to be paid the aforesaid parties at the time of signing forther agreed upon by the atabs and people with

manner as may be sent that vested land rights in Bikini. The people and alabs signing this Agreement in Principle repre-and all individuals who by reason of having lived on

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a Principle reper I having lived to to represent the

Bikini or Kili, may now or at any future date have a claim against the United States or Trust Territory Governments by reason of their use of Bikini Atoll.

Accordingly, the people and alabs signing this agreement agree that any future claims by Bikinians based on the use of Bikini by the Covernments of the United States or the Trust Territory or on the against them and not against the Government.

This Agreement was made voluntarity and without any compulsion

FOR THE PROPLE OF BIKINI ATOLL:

Richard Person	MANS OF KILL ISLAND	La (124)	Y Dischol .	John > Jours 4 Kd
fricona (se Euso)				

OR THE GOVERNMENT OF THE TRUST TERRITORY OF

Delmas H. Nucker High Commissione:

WITHESS:

Jack A. Tobin

District Anthropologist

Kondo Sandbergent Kili Development roject

David Ebream

David Guana.
Taro Expert

Agreement in Principle Regarding the Use of Bikini Atoll, executed November 22, 1956, at Kili Island.

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